

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCOTT C. SMITH,

Plaintiff,

v.

JULIA GARRETT, *et al.*,

Defendants.

Case No. C06-5712FDB

ORDER STRIKING MOTION

This matter is presently pending before the Ninth Circuit Court of Appeals. Nevertheless, Plaintiff has filed a motion in this court for an order refunding improperly collected funds. This Court does not have jurisdiction to address this motion, because the Ninth Circuit currently has jurisdiction over this cause of action.

ACCORDINGLY, IT IS ORDERED: Plaintiff's Motion for Order Refunding Improperly Collected Funds" [Dkt. # 26] is STRICKEN from the Court's calendar.

DATED this 17th day of December, 2007.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE